

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES E. FLEMING,  
Plaintiff,

v.

LYNN PHIPPS, *et al*,  
Defendants.

Case No. C05-5068RBL

ORDER DISMISSING  
FRIVOLOUS COMPLAINT  
PURSUANT TO 28 U.S.C. § 1915

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is DISMISSED;
- (4) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**; and
- (5) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. Karen L. Strombom.

DATED this 3<sup>rd</sup> day of June, 2005.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE